



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Daniel W. Mauney, et al.

Title: ENHANCED WIRELESS HANDSET, INCLUDING DIRECT HANDSET-TO-HANDSET COMMUNICATION MODE

App. No.: 10/612,346 Filed: 07/02/2003

Examiner: Unknown Group Art Unit: 2681

Atty. Dkt. No.: 1033-T00142-C3 Confirmation No.: 3780

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MS MISSING PARTS

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

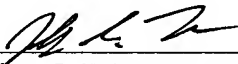
**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filed Under 37 C.F.R. § 1.53(b)**

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed August 25, 2004,  
please find enclosed herewith:


- ☒ Transmittal Form (this page);
- ☒ Fee Transmittal Form;
- ☒ Declaration and Power of Attorney, executed;
- ☒ Seventy-two (72) sheets of replacement drawings consisting of FIGs. 1-41B; and
- ☒ Copy of the Notice to File Missing Parts of Application.

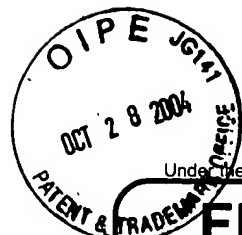
Respectfully submitted,

10-22-2004  
Date  
Jeffrey G. Toler; Reg. No. 38,342  
Attorney for Applicant(s)  
TOLER, LARSON & ABEL, L.L.P.  
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## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on 10/22/2004.

Laura H. Andre  
Printed Name  
Signature



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-04)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,328.00

## Complete if Known

|                      |                     |
|----------------------|---------------------|
| Application Number   | 10/612,346          |
| Filing Date          | 07/02/2003          |
| First Named Inventor | Daniel Wayne Mauney |
| Examiner Name        | Unknoen             |
| Art Unit             | 2681                |
| Attorney Docket No.  | 1033-T00142-C3      |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-2469

TOLER, LARSON & ABEL, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid     |
|--------------|----------|--------------|----------|------------------------|--------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |              |
| 1001         | 790      | 2001         | 395      | Utility filing fee     | 790          |
| 1002         | 350      | 2002         | 175      | Design filing fee      |              |
| 1003         | 550      | 2003         | 275      | Plant filing fee       |              |
| 1004         | 790      | 2004         | 395      | Reissue filing fee     |              |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |              |
| SUBTOTAL (1) |          |              |          |                        | (\$ ) 790.00 |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    |               | Extra Claims |              | Fee from below |               | Fee Paid |                |
|--------------------|---------------|--------------|--------------|----------------|---------------|----------|----------------|
| Total Claims       | <div>28</div> | -20** =      | <div>8</div> | X              | <div>18</div> | =        | <div>144</div> |
| Independent Claims | <div>6</div>  | -3** =       | <div>3</div> | X              | <div>88</div> | =        | <div>264</div> |
| Multiple Dependent |               |              |              |                |               | =        |                |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 88       | 2201         | 44       | Independent claims in excess of 3                          |
| 1203         | 300      | 2203         | 150      | Multiple dependent claim, if not paid                      |
| 1204         | 88       | 2204         | 44       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ ) 408.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  | 130      |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 430      | 2252         | 215      | Extension for reply within second month                                    |          |
| 1253         | 980      | 2253         | 490      | Extension for reply within third month                                     |          |
| 1254         | 1,530    | 2254         | 765      | Extension for reply within fourth month                                    |          |
| 1255         | 2,080    | 2255         | 1,040    | Extension for reply within fifth month                                     |          |
| 1401         | 340      | 2401         | 170      | Notice of Appeal   |          |
| 1402         | 340      | 2402         | 170      | Filing a brief in support of an appeal                                     |          |
| 1403         | 300      | 2403         | 150      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501         | 1,370    | 2501         | 685      | Utility issue fee (or reissue)   |          |
| 1502         | 490      | 2502         | 245      | Design issue fee   |          |
| 1503         | 660      | 2503         | 330      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 790      | 2809         | 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810         | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801         | 790      | 2801         | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

## SUBMITTED BY

(Complete (if applicable))

|                   |                  |                                   |            |           |              |
|-------------------|------------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | Jeffrey G. Toler | Registration No. (Attorney/Agent) | 38,342     | Telephone | 512-327-5515 |
| Signature         |                  | Date                              | 10-22-2004 |           |              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/612,346         | 07/02/2003             | Daniel Wayne Mauney   | 1033-T00142-C3         |

34456  
TOLER & LARSON & ABEL L.L.P.  
5000 PLAZA ON THE LAKE STE 265  
AUSTIN, TX 78746

CONFIRMATION NO. 3780

## FORMALITIES LETTER



\*OC000000013638158\*

Date Mailed: 08/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 1,6a,6c,8.

The applicant needs to satisfy supplemental fees problems indicated below.

10/29/2004 MBELETE1 00000042 502469 10612346

|            |           |
|------------|-----------|
| 01 FC:1001 | 790.00 DA |
| 02 FC:1201 | 264.00 DA |
| 03 FC:1202 | 144.00 DA |
| 04 FC:1051 | 130.00 DA |



The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$402** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1302** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$402**
  - **\$258** for 3 independent claims over 3.
  - **\$144** for 8 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE